

REMARKS

Applicants affirm herewith the provisional election of Group VI. In this regard, Applicants note that MPEP § 803 states:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Accordingly, Applicants submit that the Requirement for Restriction is improper, and request that it be withdrawn.

However, Claim 1 has been amended to limit R¹ to a 4-(lower) alkyl-imidazol-1-yl or a 4,5-di(lower) alkyl-imidazol-1-yl group. Thus, amended Claim 1 falls within elected Group VI.

Claim 2 has been canceled without prejudice.

New Claims 3-16 have been added, and depend from Claim 1.

The amendments and new claims are supported throughout the specification, particularly at pages 2-4 of the specification. No new matter is believed to be added by entry of the amended and new claims. Claims 1 and 3-16 are active.

The rejection of the claims under 35 U.S.C. § 112 is obviated by appropriate amendment. Claim 1 has been amended to recite “a compound” and “pharmaceutically acceptable salts thereof” as suggested by the Examiner. In addition, the pharmaceutical composition of new Claim 3 further comprises a “pharmaceutical carrier”, as suggested by the Examiner. Accordingly, Applicants respectfully request that the rejection be withdrawn.

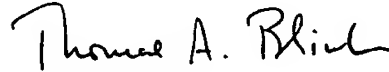
New Claims 4-16 depend directly or indirectly from Claim 1 or Claim 3, and therefore are also allowable.

The objection to the specification is obviated by appropriate amendment. A new Abstract has been added.

Accordingly, and for the reasons stated above, Applicants respectfully submit that the present application is now in condition for allowance, and early notification thereof is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Thomas A. Blinka, Ph.D.
Registration No. 44,541

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
NFO:TAB/bwt